

**CALENDAR ITEM  
C42**

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04/20/17  
PRC 8630.1  
J. Toy

**AMENDMENT OF LEASE AND  
REVISION OF RENT**

**LESSEE:**

James A. Carter and Judith M. Carter, Trustees of the James and Judie Carter Revocable Trust of 1996

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in the Sacramento River, adjacent to 3001 Garden Highway, near Sacramento, Sacramento County.

**AUTHORIZED USE:**

Continued use and maintenance of an uncovered single-berth floating boat dock, ramp, four steel pilings, and bank protection.

**LEASE TERM:**

10 years, beginning May 24, 2012.

**CONSIDERATION:**

This lease provides that the Commission may modify the rent periodically during the lease term. Pursuant to this provision, staff reviewed the rent under this lease and recommends that rent be revised from \$369 per year to \$388 per year, effective May 24, 2017.

**PROPOSED AMENDMENT:**

Amend the Lease to replace the existing Exhibit A, Land Description, and Exhibit B, Site and Location Map, with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only). All other terms and conditions of the lease shall remain in effect without amendment.

**STAFF ANALYSIS AND RECOMMENDATION:**

**Authority:**

Public Resources Code sections 6005, 6216, 6301, 6501.1, and 6503.5;  
California Code of Regulations, title 2, section 2000, subdivision (b).

## CALENDAR ITEM NO. **C42** (CONT'D)

### **Public Trust and the State's Best Interests Analysis:**

On May 24, 2012, the Commission authorized a 10-year General Lease – Recreational and Protective Structure Use to James A. Carter and Judith M. Carter, Trustees of the James and Judie Carter Revocable Trust of 1996, for an uncovered single-berth floating boat dock, ramp, four steel pilings, and bank protection ([Calendar Item C12, May 24, 2012](#)). That lease will expire on May 23, 2022.

Staff conducted the rent review called for in the lease and recommends the rent be revised from \$369 per year to \$388 per year based on changes to the impact area for the dock and application of the Sacramento River Benchmark. Staff also recommends the lease be amended to reflect the new reduced lease (impact) area.

### **Climate Change:**

Climate change impacts (including sea-level rise), more frequent and intense storm events, and increased flooding and erosion, affect both open coastal areas and inland waterways in California. The lease area is located on the Sacramento River, which at this location is a tidally-influenced site vulnerable to flooding at current sea levels. The facilities associated with the lease area include an uncovered single-berth floating boat dock, ramp, four steel pilings, and bank protection.

Based on its northern California location, the lease area will be at a higher risk of flood exposure given future projection scenarios of sea-level rise. This region could see up to 1 foot of sea-level rise (from year 2000 levels) by 2030, 2 feet by 2050, and possibly more than 5 feet by 2100 (National Research Council 2012). Rising sea levels can lead to more frequent flood inundation in low lying areas and larger tidal events. In addition, as stated in *Safeguarding California* (California Natural Resources Agency 2014), climate change is projected to increase the frequency and severity of natural disasters related to flooding and storms (especially when coupled with sea-level rise).

In tidally-influenced waterways, more frequent and powerful storms can result in increased flooding conditions and damage from storm-created debris. Conversely, prolonged droughts could dramatically reduce river flow and water levels, leading to loss of public access and navigability. The amount and timing of snowmelt runoff will likely change such that runoff pulses are earlier in the season and stronger precipitation events will occur over a shorter period of time. This is because warming temperatures will result in more water falling as rain rather than snow, earlier spring snowmelt, and less snowpack overall.

CALENDAR ITEM NO. **C42** (CONT'D)

Climate change and sea-level rise will further influence coastal and riverine areas by changing erosion and sedimentation rates. In rivers and tidally influenced waterways, flooding and storm flow, as well as runoff, will likely increase scour and reduce bank stability at a faster rate. Regular maintenance, as required by the terms of the lease, will reduce the likelihood of severe structural degradation or dislodgement. Further climate change impact analyses on the leased facilities will be assessed at the time a new lease is considered.

**Conclusion:**

The recommended action will not substantially interfere with the Public Trust needs at this time and at this location. For these reasons, staff recommends finding the proposed action is in the best interests of the State.

**OTHER PERTINENT INFORMATION:**

1. This action is consistent with Strategy 2.2 of the Commission's Strategic Plan to ensure timely receipt of revenues and royalties from the use and development of State lands and minerals.
2. Amendment of the lease to make an adjustment in the lease area and the revision of the rent are not projects as defined by the California Environmental Quality Act because they are administrative actions that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

**EXHIBITS:**

- A. Land Description
- B. Site and Location Map

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Find that the proposed amendment of Lease No. PRC 8630.1 will not substantially interfere with the Public Trust needs and values at this location and are in the best interests of the State.

CALENDAR ITEM NO. **C42** (CONT'D)

**AUTHORIZATION:**

1. Authorize the amendment of Lease No. PRC 8630.1, a General Lease – Recreational and Protective Structure Use, effective May 24, 2017, to replace the existing Exhibit A, Land Description, and Exhibit B, Site and Location Map, with the attached Exhibit A, Land Description, and Exhibit B, Site and Location Map (for reference purposes only).
2. Approve the revision of rent for Lease No. PRC 8630.1 from \$369 per year to \$388 per year, effective May 24, 2017.

**EXHIBIT A**

**PRC 8630.1**

**LAND DESCRIPTION**

A parcel of tide and submerged land situate in the bed of the Sacramento River, lying adjacent to Swamp and Overflowed Land Survey 284 surveyed April 25, 1859, County of Sacramento, State of California and more particularly described as follows:

All those lands underlying an existing uncovered single-berth floating boat dock, ramp and four pilings lying adjacent to that parcel described in Grant Deed, recorded May 18, 2011 in Book 20110518 at Page 1138 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

ALSO TOGETHER with all those lands lying immediately beneath any existing bank protection structures adjacent to said parcel.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the left bank of said river.

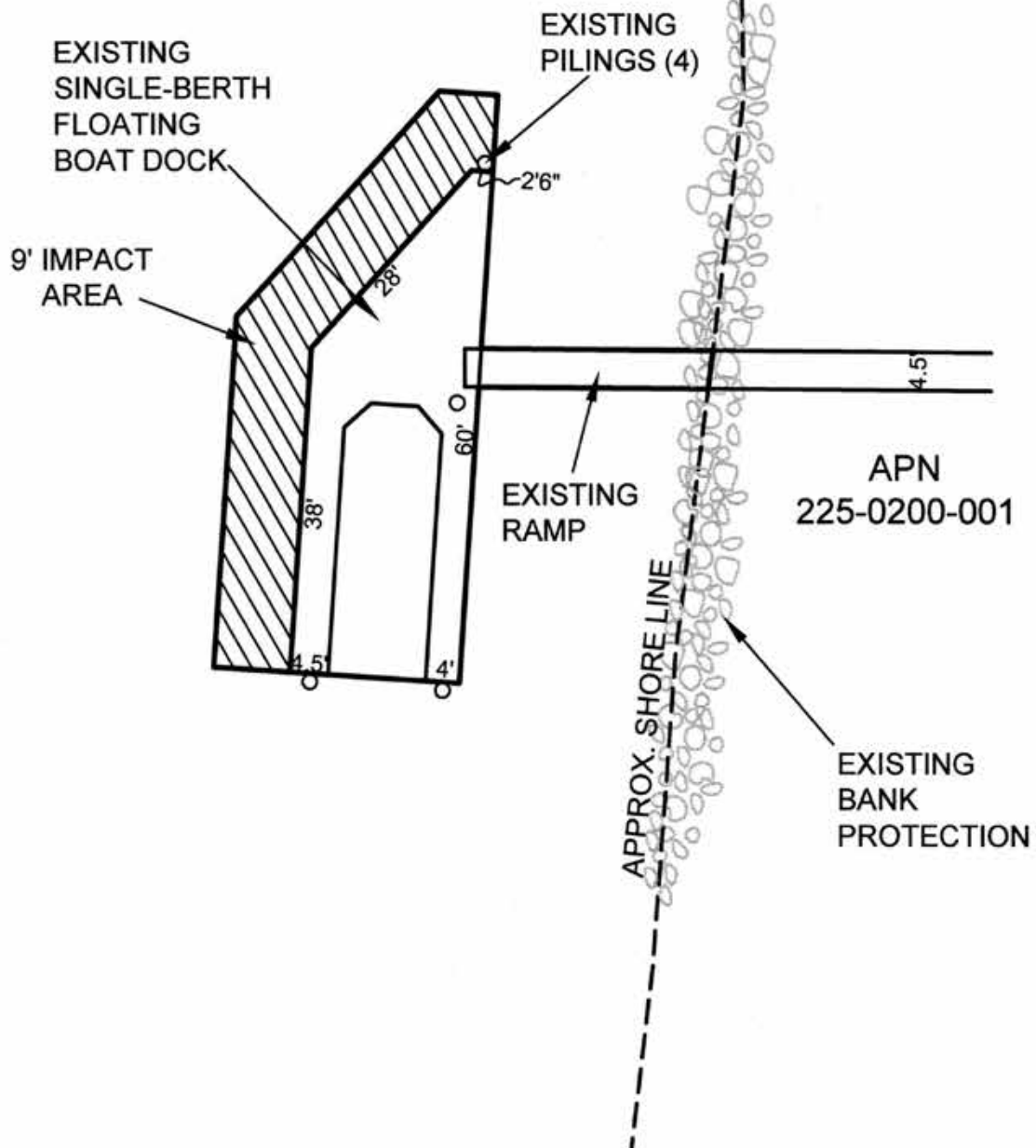
Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

Prepared 11/01/16 by the California State Lands Commission Boundary Unit



SACRAMENTO  
RIVER



## EXHIBIT A

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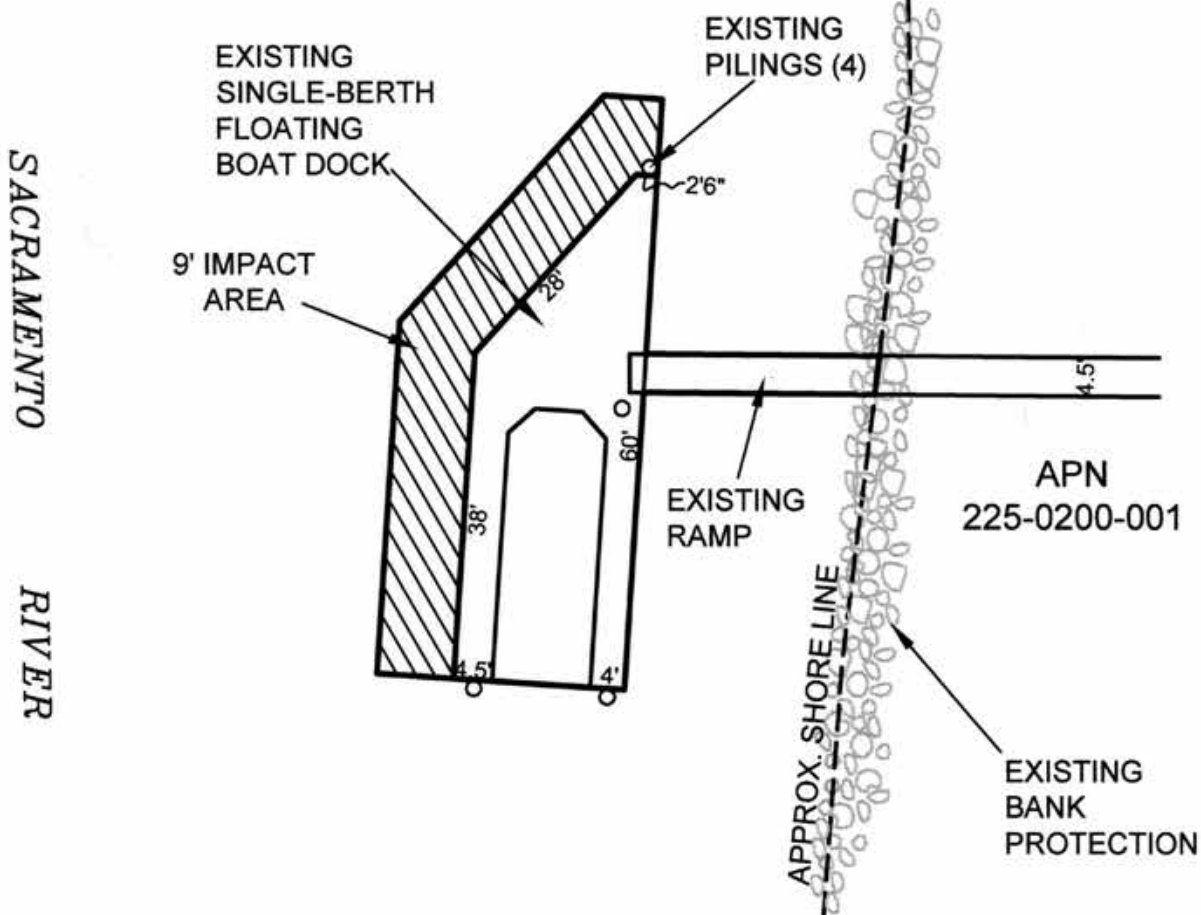
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LAND DESCRIPTION PLAT  
PRC 8630.1, CARTER, TRUSTEES  
SACRAMENTO COUNTY

CALIFORNIA STATE  
LANDS COMMISSION



## SITE



3001 GARDEN HIGHWAY, SACRAMENTO

## LOCATION



**Exhibit B**  
PRC 8630.1  
CARTER, TRUSTEES  
APN 225-0200-001  
GENERAL LEASE -  
RECREATIONAL &  
PROTECTIVE STRUCTURE USE  
SACRAMENTO COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

TS 11/01/16